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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,937	07/18/2003	Hironobu Murakami	4041J-000744	6491
27572	7590	02/24/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			BOLES, DEREK	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/623,937	<b>Applicant(s)</b> MURAKAMI ET AL.	
	<b>Examiner</b> Derek S. Boles	<b>Art Unit</b> 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/18/03</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cover member must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) 1, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (6,499,508) in view of Fujiwara (6,669,548). Sato et al. discloses all of the limitations of the claim(s) except for the periphery wall having a projected portion. Fujiwara discloses the presence of a periphery wall having a projected portion. See **26a** and col. 5, lines 11-23. Hence, one skilled in the art would find it obvious to modify the system of Sato et al. to include the projected portion of Fujiwara for the purpose of noise attenuation.

Claim(s) 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. in view of Fujiwara and in further view of Toyoshima et al. (6,622,787). Sato et al. in view of Fujiwara discloses all of the limitations of the claim(s) except for the location of the HVAC

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device being adjacent the cowl of an automobile. Toyoshima et al. discloses the presence of an HVAC device being adjacent the cowl of an automobile. See 35. Hence, one skilled in the art would find it obvious to modify the system of Sato et al. in view of Fujiwara to include a HVAC device being adjacent the cowl of an automobile of Toyoshima et al. for the purpose of reduction in parts and/or fresher inlet air.

Claim(s) 7 and 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Sumiya et al. (5,676,595). Fujiwara discloses all of the limitations of the claim(s) except for an elastic sealing member being disposed to create a seal between the intermediate wall and the periphery wall when the rotary door is in an air mixing position. Sumiya et al. discloses the presence of a seal between the intermediate wall and the periphery wall when the rotary door is in an air mixing position. See 5-7. Hence, one skilled in the art would find it obvious to modify the system of Fujiwara to include the seal between the intermediate wall and the periphery wall when the rotary door is in an air mixing position of Sumiya et al. for the purpose of reducing an influx of contaminants regardless of door position. Regarding claims 9 and 11, see col. 6, lines 50-64 and col. 2, lines 4-24 of Fujiwara, respectfully.

Claim(s) 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Sumiya et al. and in further view of Toyoshima et al. See claim 2, above.

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device being adjacent the cowl of an automobile. Toyoshima et al. discloses the presence of an HVAC device being adjacent the cowl of an automobile. See 35. Hence, one skilled in the art would find it obvious to modify the system of Sato et al. in view of Fujiwara to include a HVAC device being adjacent the cowl of an automobile of Toyoshima et al. for the purpose of reduction in parts and/or fresher inlet air.

Claim(s) 7 and 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Sumiya et al. (5,676,595). Fujiwara discloses all of the limitations of the claim(s) except for an elastic sealing member being disposed to create a seal between the intermediate wall and the periphery wall when the rotary door is in an air mixing position. Sumiya et al. discloses the presence of a seal between the intermediate wall and the periphery wall when the rotary door is in an air mixing position. See 5-7. Hence, one skilled in the art would find it obvious to modify the system of Fujiwara to include the seal between the intermediate wall and the periphery wall when the rotary door is in an air mixing position of Sumiya et al. for the purpose of reducing an influx of contaminants regardless of door position. Regarding claims 9 and 11, see col. 6, lines 50-64 and col. 2, lines 4-24 of Fujiwara, respectfully.

Claim(s) 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Sumiya et al. and in further view of Toyoshima et al. See claim 2, above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The provided references are representative of the state of the art that is applicable to the applicant's invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Boles at (703) 308-1804 or fax number (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. The Supervisory Primary Examiner for Art Unit 3749 is Ira Lazarus who can be reached at (703) 308-1935.

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D.S.B.

2/23/04



**DEREK S. BOLES**  
**PRIMARY EXAMINER**  
**GROUP 3700**